

BY AUTHORITY

ORDINANCE NO. 39
SERIES OF 2020

COUNCIL BILL NO. 43
INTRODUCED BY COUNCIL
MEMBER SIERRA

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8,
CHAPTER 2, ARTICLE B, OF THE ENGLEWOOD MUNICIPAL CODE,
IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL
MECHANICAL CODE, 2018 EDITION, AND SUCH AMENDMENTS AS
SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD,
ARAPAHOE COUNTY, COLORADO.**

WHEREAS, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes.";

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

WHEREAS, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been forwarded to the Denver Fire Chief; and

WHEREAS, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Mechanical Code 2018 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Title 8, Chapter 2, Article B shall be amended as follows:

8-2B-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Mechanical Code (IMC) 2018 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2B-2 of this Article. The City Clerk shall maintain a copy of the Code, errata updates, and specific modifications to adopted Code as set forth within E.M.C. 8-2B-2, all of which will be available for inspection during regular business hours.

8-2B-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made to the provisions of the International Mechanical Code 2018, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **101.1 Title** shall be amended to read as follows:
These regulations shall be known as the Mechanical Code of the City of Englewood, hereinafter referred to as "this Code" or IMC.
2. **106.4.4 Extensions** shall be amended to read as follows:
A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit where work is unable to be commenced with the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once.
3. **106.5.2 Permit Fee Schedule** shall be amended to read as follows:
Refer to Section 109.2 of the amended Building Code of the City of Englewood for requirements of this Section.
4. **106.5.3 Fee Refunds** shall be amended to read as follows:
Refer to Section 109.6 of the amended Building Code of the City of Englewood for requirements of this Section.
5. **107.3.3 Reinspections** shall be amended to read as follows:
Refer to Section 110.7 of the amended Building Code of the City of Englewood for requirements of this Section.
6. **108.4 Violation Penalties** shall be amended to read as follows:

Refer to Englewood Municipal Code 8-1-10 for requirements of this Section.

7. **108.5 Stop Work Orders** shall be amended to read as follows:

Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as prescribed in 108.4 as amended.

8. The entirety of section **109 MEANS OF APPEAL**, including all subsections, shall be amended to read as follows:

Refer to Section 8-1-7 of the Englewood Municipal Code of the City of Englewood for requirements of this Section.

B. CHAPTER 4. VENTILATION

1. **403.2.1 Recirculation of air, subsection (1)** shall be amended to read as follows:

1. Ventilation air shall not be recirculated from one dwelling or one dwelling unit to another or to dissimilar occupancies.

C. CHAPTER 5. EXHAUST SYSTEMS

1. Section **513 SMOKE CONTROL SYSTEMS** shall be amended to include the following language:

All subsections of this section, Smoke Control Systems, that begin with the letter [F] designation shall be coordinated with Section 909 of the amended International Fire Code.

D. CHAPTER 9. SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

1. Subsection **901.5** shall be added to Section **901 GENERAL** and shall read as follow:

901.5 New factory-built wood-burning fireplaces. Installation of new factory-built wood-burning appliances is restricted to certified wood stoves as

approved by the Environment Protection Agency. Appliances shall be listed by an approved testing agency. If a wood-burning appliance is not on the EPA approved list, it cannot be installed unless it is converted to a gas log fireplace in accordance with the requirements of Chapter 6 of the International Fuel Gas Code.

2. Subsection **903.5** shall be added to Section **903 FACTORY-BUILT FIREPLACES** and shall read as follow:

903.5 EPA certification. Installation of new factory-built wood-burning appliances is restricted to certified wood stoves as approved by the Environmental Protection Agency. Appliances must be listed by an approved testing laboratory. If a wood-burning appliance is not on the EPA approved list, it cannot be installed unless it is converted to a gas log fireplace in accordance with the requirements of Section 903.

Section 2. Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

Applicability of Title 1, Chapter 2, Saving Clause. The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Enforcement. E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 5th day of October, 2020.

Published by title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2020.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of October, 2020 for thirty (30) days.

Read by title and passed on final reading on the 19th day of October, 2020.

Published by title in the City's official newspaper as Ordinance No. 39, Series of 2020, on the 22nd day of October, 2020

Published by title on the City's official website beginning on the 21st day of October, 2020 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

Linda Olson, Mayor

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 39, Series of 2020.

Stephanie Carlile